

No. 9,



1886.

(12)

BRITISH GUIANA.

[COURT OF POLICY.]

AN ORDINANCE TO ESTABLISH A GOVERNMENT MEDICAL SERVICE AND TO ENFORCE THE REGISTRATION OF PRACTITIONERS IN MEDICINE OR SURGERY.

ORDINANCE ENACTED

*By His Excellency Sir HENRY TURNER IRVING,
Knight Commander of the Most Distinguished
Order of Saint Michael and Saint George,
Governor and Commander-in-Chief in and over
the Colony of British Guiana, Vice-Admiral
and Ordinary of the same, &c., &c., &c., with
the Advice and Consent of the Honourable the
COURT OF POLICY of said Colony.*

To all to whom these Presents do, may, or shall come, Greeting! be it known:—

WHEREAS it is expedient to establish a Government Medical Preamble.

Service and to enforce the registration of Practitioners in Medicine or Surgery :

Be it therefore enacted by His Excellency the Governor of British Guiana, with the advice and consent of the Court of Policy thereof as follows :—

Short Title.

1. This Ordinance may be cited for all purposes as “The Medical Ordinance, 1886.”

Interpreta-
tion Clause.

2. In this Ordinance, unless the context otherwise requires,—

The term “The Combined Court” means His Excellency the Governor and the Honourable the Court of Policy of British Guiana, with the Financial Representatives of the Inhabitants thereof, in Combined Court assembled :

The term “The Immigration Ordinances” means the Immigration Ordinances 1873 to 1876 and any Ordinances passed or hereafter to be passed relating to Immigrants :

The terms “Immigration Agent General”, “Immigrant” and “Plantation” have the same meaning as in the Immigration Ordinances.

Govern-
ment Medi-
cal Service.

3. A Government Medical Service is hereby created and shall consist of a Surgeon General, The Medical Inspector to be appointed under the Immigration Ordinance 1873, as amended by this Ordinance, and such Government Medical Officers as may be necessary.

Surgeon
General.

4. Her Majesty may appoint a Surgeon General, who shall hold office during pleasure.

Medical
Officers.

5. The Governor may appoint such number of Government Medical Officers as may be necessary, and every Government Medical Officer shall hold office during pleasure.

Salaries.

6. The Surgeon General and the Government Medical Officers shall each receive such salary as may be provided by the Combined Court.

Duties.

7. The Surgeon General, the Medical Inspector and every Government Medical Officer shall each perform such duties as may from time to time be imposed on any such officer by Ordinance, and shall also perform all such medical, sanitary, or other duties as may from time to time be directed or required by the Governor.

8. The Surgeon General, subject to the directions of the Governor, shall have the general control of all the Public Hospitals in the Colony, and of all the Hospitals and Infirmaries in or attached to any Prison or Public Institution in the Colony. Public Hospitals.

9. The Medical Inspector and every Government Medical Officer shall, subject to the authority of the Governor act under the directions of the Surgeon General. Medical Officers to act under direction of Surgeon General.

10. Every Medical Officer who receives a salary paid from the public revenues shall for the purposes of this Ordinance be deemed a Government Medical Officer. Who are to be deemed Government Medical Officers.

Provisions with regard to Officers holding office when the Ordinance comes into operation.

11. The Colonial Surgeon-General holding office when this Ordinance comes into operation shall be the first Surgeon-General and shall be deemed to be appointed under this Ordinance. Colonial Surgeon General.

12. Every Medical Officer appointed under the provisions of the Immigration Ordinance, 1873, and holding office when this Ordinance comes into operation shall be deemed to be a Government Medical Officer and to be appointed under the provisions of this Ordinance. Medical Officers under Immigration Ordinance.

13. Every Medical Officer holding any office in the Colonial Service when this Ordinance comes into operation and receiving any salary paid from the Public Revenues shall be deemed to be a Government Medical Officer appointed under this Ordinance. Other Medical Officers.

14. It shall not be necessary for any officer who under the provisions of the last three preceding Sections is to be deemed appointed under this Ordinance to be re-appointed or to be sworn or to make any declaration. Need not be re-appointed.

Medical Districts.

15. The Governor and Court of Policy may resolve that any portion of the Colony shall be a medical district, and may from time to time by resolution alter or revoke any such resolution, and may from time to time by resolution alter the limits of any medical district. Every such resolution shall be published in the *Official Gazette*. Medical Districts.

The Governor may assign a Medical district to any Government Medical Officer, and may remove any Government Medical Officer from any one medical district to any other, and may remove any Government Medical Officer from any Medical District to perform any other duty as the Governor may from time to time deem expedient.

Existing
Districts.

16. Until otherwise resolved by the Governor and Court of Policy, the medical districts established under the provisions of the Immigration Ordinances shall be medical districts under this Ordinance.

Until otherwise ordered by the Governor, where any district has been assigned to any Medical Officer under the provisions of the Immigration Ordinances, such Medical Officer shall be deemed to have had such district assigned to him under this Ordinance.

Provisions with regard to the Immigration Ordinances.

Duties of
Medical
Inspector.

17. The Medical Inspector shall perform the duties imposed by the Immigration Ordinances on the Medical Officer to the Immigration department, subject to the following modifications and exceptions, that is to say.

- (1) Where the Medical Officer to the Immigration department is required under the Immigration Ordinances to report to the Immigration Agent General, the Medical Inspector shall report in duplicate to the Surgeon General :

The Surgeon General shall thereupon furnish the Immigration Agent General with one of the duplicates of such report.

- (2) The duties imposed by sections 119 and 123 of the Immigration Ordinance 1873, on the Medical Officer to the Immigration department shall be performed by the Surgeon General.

Amend-
ments of
the Immi-
gration Or-
dinances.

18. The Immigration Ordinances subject to the other provisions of this Ordinance and save and except Sections 119 and 123 of the Immigration Ordinance 1873, shall be read and shall have the same effect as if the words "Medical Inspector" were substituted therein for the words "Medical Officer to the Immigration department" and for the words "Medical Officer to the department," and for any words importing the Medical Officer to the Immigration department wherever such words occur in the said Ordinances except as aforesaid.

Sections 119 and 123 of the Immigration Ordinance 1873 shall be read and shall have the same effect as if the words "Surgeon General" were substituted therein for the words "Medical Officer to the department."

The Immigration Ordinances shall be read and shall have the same effect as if the words "Government Medical Officer" were substituted therein for the words "District Medical Officer" wherever such words occur in the said Ordinances.

Surgeon
General may
visit Estates'
Hospitals.

19. The Surgeon General shall have power to visit at any time any Plantation on which immigrants are employed and inspect the dwellings of such immigrants and the hospital

thereon and to inspect all books and registers kept in connection with such Hospital.

20. Where the Medical Inspector is absent or unable to act or where there is a vacancy in the office the Surgeon General may with the sanction of the Governor depute any Government Medical Officer to perform any or all of the duties of the Medical Inspector. Provision for absence of Medical Inspector.

21. A Government Medical Officer shall within any medical district which may from time to time be assigned to him perform the duties of a District Medical Officer under the Immigration Ordinances ; and shall act as the Medical Officer to the Plantations on which there are immigrants and as Medical attendant to the Hospitals certified under the Immigration Ordinances within the district assigned to him. Duties of District Officers.

Where a District Medical Officer is required under the Immigration Ordinances to send any report or return to the Medical Officer to the Immigration Department the Government Medical Officer shall send such report or return to the Surgeon General.

22. Whenever it appears to the Immigration Agent General to be necessary to require under the provisions of the Immigration Ordinance, 1873, that a special visit should be made to a Plantation or to require the presence and assistance of a Government Medical Officer in conducting any investigation on a Plantation, the Immigration Agent General shall make requisition for such services to the Surgeon General who shall thereupon cause such visit to be made. Requisition in certain cases to be made to Surgeon General.

23. Section 10 of the Immigration Ordinance, 1873, is hereby repealed. Sec. 10 repealed.

Provision for Securing the rights of the Public.

24. The Governor and Court of Policy may make and when made may alter or revoke regulations for any or all of the following purposes, that is to say— Court of Policy may make regulations.

- (1.) For determining the conditions on which any person may obtain the benefit of the professional services of a Government Medical Officer :
- (2.) For fixing the scale of fees which may be charged by a Government Medical Officer who is permitted by the Governor to take private practice :
- (3.) For determining when a Government Medical Officer shall afford the benefit of his professional services without charge, and generally
- (4.) For the government and conduct of the Medical Service.

Every such regulation shall be published in the *Official Gazette*.

Every Government Medical Officer shall conform to all such regulations which may be in force.

The Medical Board.

Medical
Board.

25. A Medical Board is hereby established which shall consist of the Surgeon General, the Medical Inspector and six persons who are duly qualified to practise Medicine and Surgery or Medicine or Surgery elected in the manner hereinafter directed.

After the first day of January, 1887, no person shall be qualified to be a Member of the said Board who is not registered as hereinafter required.

The Surgeon General shall be the Chairman of the Medical Board and shall if present preside at the meetings of the Board. If he be not present the Medical Inspector if present shall preside, and if he be also absent then the Government Medical Officer present who is senior in the Colonial Service shall preside.

First Elec-
tion.

26. The first election shall be held on the first Tuesday in September, 1886, at such convenient place in Georgetown as the Surgeon General may appoint, between the hours of three and four o'clock in the afternoon.

Every person who is duly licensed to practise Medicine and Surgery or Medicine or Surgery shall be entitled to vote at such election.

The six qualified persons having the most votes shall be deemed to be elected Members of the Medical Board.

Subsequent
Elections.

27. Where a vacancy exists in the Medical Board as regards the members who are to be elected, the Surgeon General shall within fourteen days after such vacancy occurs cause a notice to be published in the *Official Gazette* and one other newspaper fixing a day and hour for the election of a duly qualified person to fill the vacancy.

Such day shall be a day not less than six and not more than ten days after the day on which such notice is first published.

The election shall be held at such convenient place in Georgetown as the Surgeon General may appoint and on the day and hour named.

If such election takes place before the 1st day of January, 1887, every person duly licensed to practise Medicine and Surgery or Medicine or Surgery shall be entitled to vote at such election.

If such election takes place after the 1st day of January, 1887 every medical practitioner registered under this Ordinance shall be

entitled to vote ; no other person shall be entitled to vote at any such election.

The person having the most votes shall be deemed to be elected.

28. A person elected to be a member of the Medical Board shall vacate his seat on the expiration of two years from the date of his election, but shall be eligible for re-election. Term of Service.

An elected member of the Medical Board may resign his seat.

A member on leaving the Colony shall vacate his seat.

29. A person entitled to vote at the election of a Member of the Medical Board shall record his vote in writing. If he attends the election he shall record his vote in a book to be kept for the purpose and accessible to all voters during one hour at least on the day of election. If he does not attend the election he may vote by letter or writing signed by him transmitted so as to be delivered at the place of election before four o'clock on the afternoon of the day on which the election is held. Mode of voting.

30. The Surgeon General shall cause the votes to be counted and stated and the names of the persons elected to be declared. Result shall be declared.

He shall also cause a notice to be published in the *Official Gazette* intimating the name or names of the person or persons elected.

31. The Governor and Court of Policy shall have power to determine any question which may arise as regards the election of a member of the Medical Board or the manner in which any election should be conducted and any direction given by the Governor and Court of Policy in relation thereto shall be final and binding on all concerned. Power of Court of Policy to regulate elections.

32. The Medical Board shall assemble whenever thereto required by the Governor. Medical Board shall assemble when required.

The Medical Board shall also assemble whenever convened by the Surgeon General.

Three members shall form a quorum.

The Board may act notwithstanding any vacancy in the Board.

All acts of the Medical Board shall be decided by the votes of the majority of members present, and in case of an equality of votes the President in addition to his vote as a member shall have a casting vote.

33. The Medical Board shall appoint a Government Medical Officer to be the Secretary to the Board (who is hereinafter referred Secretary.

to in this Ordinance as the Secretary), and any Government Medical Officer so appointed who has not served for more than five years in the Colonial Service shall perform the duties of Secretary for two years, unless it be otherwise ordered by the Governor.

Clerk. **34.** The Medical Board may appoint a clerk.

Form of report to Governor. **35.** Where the Governor refers any question for the consideration of the Medical Board the members if not unanimous shall each give his opinion in writing.

Inquiries relating to the Public Health. **36.** Where the Governor refers to the Medical Board any question relating to the Public Health for investigation and report, the Medical Board may summon and examine witnesses on oath, and shall have all the like powers and authorities for procuring and compelling the giving of evidence as are given to a Stipendiary Magistrate under the Summary Jurisdiction Ordinances :

Provided always that no witness refusing to give evidence before the Board shall be liable to be committed to prison ; but every person so refusing to give evidence without just cause shall be guilty of an offence punishable on summary conviction, and on conviction shall be liable to a penalty not exceeding twenty-four dollars.

Any summons or warrant may be signed by any member of the Medical Board.

May grant certificates of competency to Chemists, Dispensers, and Midwives. **37.** The Medical Board, subject to the provisions of any Ordinance regulating the qualifications of Chemists, Dispensers or Midwives, shall have authority to grant Certificates of competency to any persons who are qualified to practise as chemists, dispensers or midwives.

Provision with regard to Registration.

Register. **38.** The Secretary shall keep a register in the form in the schedule to this Ordinance of all persons qualified to practise medicine or surgery in the colony.

Persons entitled to be registered. **39.** The following persons shall be entitled to be registered under this Ordinance, that is to say—

(1.) Every person who at the time of the passing of this Ordinance has been duly licensed in the Colony to practise Medicine or Surgery or Medicine and Surgery.

(2.) Every person who is registered under the provisions of the Medical Acts of the Imperial Parliament.

No other person shall be entitled to be so registered.

Secretary to place certain Names on Register. **40.** The Secretary shall place on the Register the names and qualifications of all persons who at the time of the passing of this Ordinance are duly licensed to practise Medicine or Surgery or Medicine and Surgery in the Colony.

The Secretary as soon as may be practicable after the passing of this Ordinance shall issue a notice in the *Official Gazette* stating the names and qualifications of all persons so placed on the Register.

The Secretary in the month of February in each year shall transmit to the Government Secretary for publication in the *Official Gazette*, a return of the names and qualifications of all persons then registered.

41. Where any person who is not duly licensed to practise Medicine or Surgery when this Ordinance comes into operation, desires to be registered under this Ordinance he shall make application to the Secretary and shall submit such evidence as may be necessary to establish that he is entitled to be so registered.

Procedure where application is made to register.

The Secretary shall forthwith lay such application before the Medical Board and the Board if satisfied that such person is entitled to be registered shall direct the Secretary to register such person.

The Secretary shall thereupon register such person and issue notice thereof in the *Official Gazette*.

If the Medical Board decline to direct the Secretary to register any person who applies to be registered, such person may appeal to the Governor, and if it is made to appear to the Governor that such person is entitled to be registered under this Ordinance the Governor may direct that such person shall be registered.

42. No person appointed after the passing of this Ordinance shall hold any office as a Government Medical Officer who is not registered under this Ordinance.

Unregistered persons not to hold office.

43. After the 1st day of January, 1887, no certificate required by any law now in force or hereafter to be passed from any medical practitioner shall be valid unless the person signing the same be registered under this Ordinance.

Certificate invalid of unregistered practitioner.

44. After the 1st day of January, 1887, any words importing a person recognised by law as a medical practitioner when used in any Ordinance shall be construed to mean a person registered under this Ordinance.

Meaning of term medical practitioner

45. Every person registered under this Ordinance shall be entitled to demand and recover with full costs of suit reasonable charges for professional aid, advice and visits, and the cost of any medicines or other medical or surgical appliances rendered or supplied by him to his patients: Provided that as regards any Government Medical Officer all such charges shall be in accordance with any scale of fees which may be authorized by any regulation made by the Governor and Court of Policy.

Registered practitioner may recover fees.

46. After the 1st day of January, 1887, no person shall be entitled to recover any charge in any Court for any Medical or Surgical

Person not registered

not to recover charges. advice, attendance, or for the performance of any operation or for any medicine which he shall have both prescribed and supplied unless he shall prove upon the hearing that he is registered under this Ordinance.

Offences.

Cases in which name may be erased from register.

47. If any registered Medical Practitioner is convicted of any felony or misdemeanour before the Supreme or Inferior Court of Criminal Justice or after due inquiry is judged by the Medical Board to have been guilty of infamous conduct in any professional respect the Medical Board with the sanction of the Governor may cause the name of such Medical Practitioner to be erased from the register.

Fraudulent attempts to register.

48. Any person who wilfully procures or attempts to procure himself to be registered under this Ordinance by making or producing or causing to be made or produced any false or fraudulent representation or declaration either verbally or in writing and every person aiding and assisting him therein shall be guilty of a misdemeanour and punishable by fine or imprisonment not exceeding twelve months.

Improper use of Medical title.

49. Any person who wilfully and falsely pretends to be or takes or uses the name or title of a physician, doctor of medicine, licentiate in medicine and surgery, bachelor of medicine, surgeon, general practitioner or any name, title, addition or description implying that he is registered under this Ordinance, or that he is recognized by law as a Physician or Surgeon or Licentiate in Medicine and Surgery or a Practitioner in Medicine, shall be guilty of an offence punishable on summary conviction, and on conviction shall be liable to a penalty not exceeding one hundred dollars.

Molesting Medical Officer in the execution of his duty.

50. Any person who molests, hinders or opposes the Surgeon General, the Medical Inspector or any Government Medical Officer acting in the discharge of his duty or in the exercise of any power or authority given by any Ordinance, shall be guilty of a misdemeanour and punishable accordingly.

Schools of Instruction for Chemists, Dispensers, and Midwives.

Instruction for persons desiring to qualify as Chemists, Dispensers or Midwives.

51. Whereas it is expedient that the opportunity for instruction should be afforded to those who desire to become qualified to dispense and compound drugs, or to act as dispensers, or as sick-nurses, or as midwives: Be it enacted that schools for the purposes aforesaid, shall be established at the Public Hospital in Georgetown, and at such other Public Hospitals as the Governor may direct; and the necessary instruction shall be there given, subject to such regulations as may from time to time be made by the Surgeon General and approved by the Governor and Court of Policy.

Miscellaneous.

52. In every Hospital on a Plantation and in every Hospital maintained wholly or in part from the Public Revenues or from any rate or tax there shall be kept a book to be called the visitors' book which shall always be accessible to any person having authority to inspect or visit such Hospital, and every person having such authority may enter in the visitors' book such remarks as may be proper or necessary.

Visitors'
Book.

53. Section 3 of Ordinance 6 of 1885, is hereby repealed.

Repeal of sec.
3 Ord. 6 of
1885.

54. Wherever the words "Colonial Surgeon General," or the words "Surgeon General" are used in any Ordinance passed before this Ordinance comes into operation, such words shall be construed to mean the Surgeon-General appointed under this Ordinance.

Meaning
of term
Colonial
Surgeon
General, &c.

55. Wherever the words "Medical Officer to the Immigration Department" or any words importing the Medical Officer to the Immigration Department are used in any Ordinance they shall be construed to mean the Medical Inspector: and wherever the words "District Medical Officer" or any words importing a District Medical Officer or a District Medical Practitioner are used in any Ordinance they shall be construed to mean a Government Medical Officer acting in a Medical District.

Medical
Officer to
the Immi-
gration De-
partment
and District
Medical
Officer.

56. This Ordinance shall come into operation, and take effect on the publication thereof.

Commence-
ment of
Ordinance.

And that no ignorance may be pretended of this our Ordinance, these Presents shall be Printed and Published in the customary manner.

Thus Done and Enacted at our Adjourned Assembly held at the Guiana Public Buildings, Georgetown, Demerara, this Tenth day of August, One Thousand Eight Hundred and Eighty-six, and published on the Eleventh day of August in the same year.

HENRY T. IRVING.

By Command of the Court,

CHAS. PIERCY AUSTIN,
Acting Seceretary.

SCHEDULE.

Section 38.

Name.	Residence.	Qualification.	Title.

